

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
ELKINS DIVISION

HARDY STORAGE COMPANY, LLC,

Plaintiff,

v.

PROPERTY INTERESTS NECESSARY TO  
CONDUCT GAS STORAGE OPERATIONS IN  
THE ORISKANY SANDSTONE  
SUBTERRANEAN GEOLOGICAL  
FORMATION BENEATH PROPERTIES  
LOCATED IN HARDY AND HAMPSHIRE  
COUNTIES, et al.,

Defendants.

C.A. No. 2:07-cv-5

Honorable Irene M. Keeley

Electronically Filed

**CONSENT ORDER OF DISMISSAL**

The plaintiff, Hardy Storage Company, LLC ("Hardy"), and the defendants, Roger M. and Sue Turner agree to the entry of the following consent order.

Roger M. and Sue Turner, the owners of the property containing 87.33 acres, situate in Lost River District, Hardy County, West Virginia, being Tax Map 386 Parcel 5, on the date of the condemnation, January 19, 2007, and on the date when access was granted to the property taken, April 1, 2007, have reached agreement with Hardy as to the amount of just compensation due for the exclusive easement to use the Oriskany formation for the injection, storage and removal of natural gas as more fully described in the Complaint in this Action. Roger M. and Sue Turner subsequently sold the property to Glen W. Turner and Sandra L. Turner, but because Roger M. and Sue Turner owned the property in question on the date the condemnation was commenced and on the date that Hardy took possession, they are the parties entitled to receive just compensation. See United States v. Dow, 357 U.S. 17, 20 (1958).

This Order may be recorded as evidence of Hardy's ownership of those rights. Having reached agreement on all issues, Hardy dismisses its claims as to Roger M. and Sue Turner.

Dated: January 22, 2008

Irene M. Keeley  
U.S. District Judge Irene M. Keeley

DECLARATION OF CONSIDERATION OR VALUE

I hereby declare the total consideration paid for the property conveyed by the document to which this declaration is appended is \$6500.00.

Given under my hand this 9 day of January, 2008

Sue Turner  
Sue Turner

Roger M. Turner  
Roger M. Turner

Both at P.O. Box 625 (address).

FULKS Run, VA 22830

CONSENTED TO BY:

Sue Turner  
Sue Turner

Roger M. Turner  
Roger M. Turner

Dated: 1-9-08

Kevin C. Abbott  
Kevin C. Abbott  
WV I.D. No. 7379

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Counsel for Plaintiff